City Council Agenda

Council President **Jerry Duncan**

Councilmembers

Tom Boyajian Brian Calhoun, Ph.D. Mike Dages

City Manager
Andrew T. Souza

Henry T. Perea – Acting President Cynthia Sterling Larry Westerlund

City Clerk
Rebecca E. Klisch, CMC

City Attorney

James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

August 15, 2006

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation by Pastor Dr. Voss of the Millbrook Presbyterian Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of SPCA Pet of the Month – Councilmember Dages

Presentation of Commendation for the 100th Anniversary of Heald College - Councilmember Sterling

Presentation of Certificates of Appreciation - City Manager's Office

Presentation by Major General Ron Markarian, Retired

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of July 25 and 31, 2006

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. CONSENT CALENDAR

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

A. * Authorizing the Chief of Police to renew a lease agreement between the City of Fresno, and Wayne H. Towne and Frances Towne for office space at 1330 "L" Street, Suite A, Fresno, California, for the Police Department's Internal Affairs Unit – Police Dept.

Action Taken:

B. * Authorize agreement between City of Fresno and State Center Community College District to allow the Police Department to install two (2) antennae on a light standard at Ratcliffe Stadium as part of the Police Department's mobile wireless data communications network – Police Dept.

Action Taken:

C. * Adopt the Side Letter Agreement between the City of Fresno (City) and International Union of Operating Engineers, Stationary Engineers, Local 39 Blue Collar Unit (Unit 1), regarding certain Parks Maintenance Workers I positions – Personnel Services Dept.

Action Taken:

D. * Approve Amendment No. 3 to the professional consulting services agreement with Cline, Smull, Hamill, Quintieri, Associates (CSHQA) for the construction phases of terminal improvements at Fresno Yosemite International Airport (FYI) under Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant Nos. 3-06-0087-39, 43, and 50 – Airports Dept.

1. CONSENT CALENDAR CONTINUED

- **E.** Award the following multi-prime contracts related to the rehabilitation of the Saroyan Theater back of House *(Property located in District 3)*: (Dept. of Public Utilities)
 - 1. * Award a contract in the amount of \$763,982 to Davis Moreno Construction, Inc., for bid package No. 1
 - 2. * Award a contract in the amount of \$187,500 to Tarlton and Son Inc., for bid package No. 2
 - 3. * Award a contract in the amount of \$38,500 to Nolte Sheet Metal, Inc., for bid package No. 7
 - **4.** * Award a contract in the amount of \$204,935 to Valley Unique Electric Inc., for bid package No. 8 *Action Taken:*
- **F. RESOLUTION -** Approving the Final Map of Tract No. 5283 and accepting dedicated public uses therein; authorize the Public Works Director and Planning and Development Director to execute the necessary documents Planning and Development Dept.

- **G.** Resolution pertaining to approval of Final Tract Maps Planning and Development Dept.
 - 1. **RESOLUTION -** Approving the Final Map of Tract No. 5445 and accepting dedicated public uses therein; authorize the Public Works Director, the Public Utilities Director and Planning and Development Director to execute the necessary documents **Action Taken:**
 - **RESOLUTION** Approving the Final Map of Tract No. 5446 and accepting dedicated public uses therein; authorize the Public Works Director, the Public Utilities Director and Planning and Development Director to execute the necessary documents **Action Taken:**
- H. * Approve Deferred Compensation Trust Agreement with Fidelity Investments and adopt amendments to the City of Fresno deferred compensation plan documents to allow for loan provisions to the plan and to allow permanent part time employees to participate in the plan Retirement Offices Action Taken:
- I. * Approve an amendment to an agreement with Moore, Iacofano, Goltsman, Inc., for an additional amount of \$48,000 for expediting the preparation of plans, specifications and cost estimates for the Victoria West Park Expansion (Property located in District 3) – Public Works Dept. Action Taken:
- J. * Approve Parking Agreement between the City of Fresno and Club One Casino parking in underground Parking Garage No. 8 (Property located in District 3) Public Works Dept. Action Taken:
- K. * RESOLUTION 8th amendment to AAR No. 2006-253 appropriating \$87,400 to the Fire Department to purchase a rapid response vehicle to be funded with the Crippen litigation settlement receipts (Requires 5 affirmative votes) Fire Dept. Action Taken:
- L. * Approve amendment to the agreement with MBIA Muniservices Company for the State Enterprise Zone application Economic Development Department *Action Taken:*
- M. * BILL NO. B-103 (Intro. 7/25/2006) (For adoption) Amending Section 2-1501(e) of the Fresno Municipal Code relating to the status of domestic partners Personnel Services Dept. Action Taken:
- N. BILL- (For introduction) Amending the Fresno Municipal Code relating to procedures regarding massage businesses Police Dept.
 Action Taken:

- 1. CONSENT CALENDAR CONTINUED
- O. BILL- (For introduction) Amending the Fresno Municipal Code relating to adjustment of allowances Personnel Services Dept.
 Action Taken:
- P. BILL- (For introduction) Adopt Text Amendment Application No. TA-05-01 amending the text of the Fresno Municipal Code Zoning Ordinance regarding the definition and classification of group home facilities and setting the public hearing for August 22, 2006 at 4:00 p.m. Planning and Development Dept. Action Taken:

2. CITY COUNCIL

A. Request staff to develop an updated Team Clean Air Plan to include additional strategies for further reducing the city's emissions and air pollutants by an additional 5% over the next three years – Councilmember Calhoun

Action Taken:

B. Direct City Attorney to return on August 22nd with an amendment to the appropriate salary resolution establishing the City policy that prohibits reductions of base salary whether part of a performance pay plan or otherwise. This prohibition will cover all current and future employment agreements, contracts, provisions or clauses. - Council President Duncan *Action Taken:*

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. SCHEDULED COMMUNICATION -

- 1. Appearance by Eric Wardwell to discuss the need to enclose trash containers and dumpsters
- B. UNSCHEDULED COMMUNICATION Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M. GENERAL ADMINISTRATION

A. Presentation of Customer and Employee Satisfaction Survey – City Manager's Office

10:00 A.M. CONCURRENT HEARING FOR COMMUNITY FACILITIES DISTRICT NO. 2 ANNEXATIONS

The following Annexations 117, 128 and 129 to Community Facilities District no. 2 have been submitted for consideration by Council. The public portion of the hearing will be for any public testimony related to the following Community Facility District annexations. Any action taken by Council shall be conducted independently for each agenda item below.

1. **CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 128 Tract No. 5287 (*Property located in District 5*) - Public Works Dept.

- **RESOLUTION** Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
 - Action Taken:
- **b. RESOLUTION** Calling special mailed-ballot election *Action Taken:*
- **RESOLUTION** Declaring election results *Action Taken:*
- d. * BILL Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 128 Action Taken:
- 2. HEARING to consider Community Facilities District No. 2, Annexation No. 129 Tract No.5294 Property located in District 5) - Public Works Dept. Action Taken:
 - **RESOLUTION -** Directing preparation of a modified report analyzing impact of proposed increase in probable special tax for proposed modification to Resolution of Intention No. 2006-239 (to annex Tract No. 5294 as Annexation No. 129 to the City of Fresno Community Facilities District No. 2 and to authorize levy of a special tax) **Action Taken:**
 - b. RESOLUTION Receiving and approving the modified Engineer's Report and modifying Resolution of Intention No. 2006-239 for Annexation No. 129 to City of Fresno Community Facilities District No. 2
 - Action Taken:
 - **c. RESOLUTION** Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
 - Action Taken:
 - d. RESOLUTION Calling special mailed-ballot election
 - e. RESOLUTION Declaring election results

 Action Taken:
 - f. * BILL Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 129 Action Taken:
- HEARING to consider Community Facilities District No. 2, Annexation No. 117 Tract No. 5229 (Property located in District 6) - Public Works Dept. Action Taken:
 - **a. RESOLUTION** Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
 - Action Taken:
 - **b. RESOLUTION** Calling special mailed-ballot election *Action Taken:*
 - **RESOLUTION** Declaring election results **Action Taken**:
 - d. * BILL Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 117 Action Taken:

- **10:05 A.M. HEARING** to consider vacation of Inyo Avenue, the Balch-Inyo alley, and the Inyo-Mono alley, all between Chestnut and Garden Avenues (*Property located in District 5*) Public Works Dept. *Action Taken:*
 - a. * RESOLUTION Ordering the vacation of Inyo Avenue, the Balch-Inyo alley, and the Inyo-Mono alley, all between Chestnut and Garden Avenues Action Taken:
- **10:15 A.M. CONTINUED HEARING** to consider intention to levy the annual assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1 Public Works Dept. **Action Taken:**
 - a. RESOLUTION Confirming diagram and assessment and levy of annual assessment, 2006-2007, for Landscaping and Lighting Maintenance District No. 1
 Action Taken:
- **10:30 A.M.#1 HEARING** to consider amending the MFS Resolution 80-420, adoption of Finding of Conformity with the Master Environmental Impact Report 10130 for the City's 2025 General Plan, and approval of a bill for introduction to establish a new citywide and quadrant based major street impact fees Public Works Dept. *(Continue to September 26, 2006 @ 10:30 AM)* **Action Taken:**
- **10:30 A.M.#2 HEARING** to Consideration of increase to the current Citywide traffic signal impact fee Public Works Dept. *(Continue to September 26, 2006 at 10:30 AM)*Action Taken:
- **10:30 A.M.#3 WORKSHOP** and direction to staff on the proposed new citywide and quadrant based major street impact fees Public Works Dept. *Action Taken:*
- **10:45 A.M. HEARING** to consider Plan Amendment Application No. A-05-13, Rezone Application No. R-05-79, and environmental findings, filed by CEI Engineering Associates on behalf of owners Robert and Ha Do, pertaining to a 6.02-acre southern portion of 8.06 acres of property located on the southwest corner of W. Kearney Boulevard and S. Crystal Avenue (1705 W. Kearney Boulevard) (*Property located in District 3*) Planning and Development Dept. **Action Taken:**
 - **a.** Consider and adopt a finding of a Mitigated Negative Declaration for Environmental Assessment No. A-05-13/R-05-79
 - Action Taken:
 - **RESOLUTION** Amending the 2025 Fresno General Plan and the Edison Community Plan from the low density residential planned land use designation to the medium-low density residential land use designation
 - Action Taken:
 - **c. BILL** Amending the Fresno-Chandler Downtown Airport Master and Environs Specific Plan from the low density residential planned land use designation to the medium-low density residential land use designation
 - Action Taken:
 - d. BILL Amending the Official Zone Map to rezone the southern 6.02-acre portion of the 8.06-acre subject property from the R-1-A/UGM/cz (Single Family Residential/Urban Growth Management/conditions of zoning) zone district to the R-1/UGM/cz (Single Family Residential/Urban Growth Management/conditions of zoning) zone district Action Taken:

10:50 A.M. HEARING to consider Rezone Application No. R-05-93, and environmental findings, filed by Valley River Developers, LLC, pertaining to approximately 19.35 net acres of property located on the southwest corner of N. Locan and E. Dakota Avenues (*Property located in District 4*) – Planning and Development Dept.

Action Taken:

a. Consider and adopt Environmental Assessment No. R-05/93/T-5588, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

b. BILL – Amending the Official Zone Map to rezone the subject property from the AE-20 (Exclusive Twenty Acre Agricultural, Fresno County) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district

Action Taken:

11:00 A.M. HEARING to consider Rezone Application No. R-05-090 and the environmental findings, filed by Quad Knopf, Inc. on behalf of owners Donald C. Parker and Sue F. Parker and subdivider McKinley V Ventures LLC, pertaining to a 13.45± acre parcel of land located on the east side of N. Hayes Avenue between W. McKinley and W. Olive Avenues (1620 - 1638 N. Hayes Avenue) (*Property located in District 3*) - Planning and Development Dept.

Action Taken:

a. Consider and adopt Environmental Assessment for Environmental Assessment No. R-05-090/T-5591

Action Taken:

b. BILL - Amending the Official Zone Map to rezone the subject property from the RR (Rural Residential, Fresno County) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management Area) zone district

Action Taken:

2:00 P.M.#1 CONTESTED CONSENT CALENDAR

2:00 P.M.#2 CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (b)

Significant Exposure to Litigation:

1. Miriam Arellano v. City of Fresno, et al. Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (a)

1. <u>Case Name:</u> County of Fresno v. City of Fresno, et al. (consolidated claims) *Action Taken:*

C. CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE

LITIGATION - Government Code Section 54956.9, subdivision(c)

1. Case Name: Old Hammer Field/Fresno Air Terminal ("OHF") Environmental Site: City of Fresno v. United States Army Corps of Engineers, National Guard Bureau ("U.S.") and The Boeing Company ("Boeing")

- 2:40 P.M. HEARING to consider Rezone Application No. R-06-17, and environmental findings, filed by Provost & Prichard Engineering Group on behalf of Dunmore Communities, pertaining to approximately 76.89 acres of property located on the northeast corner of W. North and S. Walnut Avenues (*Property located in District 3*) Planning and Development Dept.

 **Action Taken:
 - a. Consider and adopt Environmental Assessment No. R-06-17/T-5663/C-06-61, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan Action Taken:
 - **BILL** Amending the Official Zone Map to rezone the subject property from the R-A/UGM (Single Family Residential Agricultural/Urban Growth Management) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district **Action Taken:**
- **2:45 P.M. HEARING** to consider Rezone Application No. R-06-22, and environmental findings, filed by Spencer Enterprises, pertaining to approximately 10.5 acres of property located on the southwest corner of W. Browning and N. Salinas Avenues *(Property located in District 2)* Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-06-22/T-5589/C-06-36, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan *Action Taken:*
- **BILL** Amending the Official Zone Map to rezone the subject property from the R-2/UGM/cz (Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning) zone district to the R-2/UGM (Low Density Multiple Family Residential/Urban Growth Management) zone district Action Taken:
- 2:50 P.M. Consideration of Plan Amendment Application No. A-05-27, Rezone Application No. R-05-125, and environmental findings, filed by Graham Development, pertaining to approximately 11.01 acres of property located on the south side of W. Nees Avenue between N. Palm and N. Ingram Avenues (Property located in District 2) (Map Location No. 8) (Continued from the 7/25/2006 Council meeting) Planning and Development Dept.

 Action Taken:
 - a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-05-27/R-05-125

Action Taken:

RESOLUTION - Amending the 2025 Fresno General Plan and Bullard Community Plan from the neighborhood commercial planned land use designation to the light industrial land use designation

Action Taken:

c. BILL – Amending the Official Zone Map to rezone the subject property from the C-1 (Neighborhood Shopping Center) zone district to the C-M/cz (Commercial and Light Manufacturing/conditions of zoning) zone district

Action Taken:

3:00 P.M. * Approval of two contracts with Fresno Unified School District to provide funds for Parks, Recreation and Community Services to conduct an After School Recreation Pilot Program running through June 30, 2007– PR&CS

Action Taken:

a. * RESOLUTION - 3rd amendment to the AAR No. 2006-283 appropriating \$123,400 from the Fresno Unified School District to conduct an After School Recreation Pilot Program (Requires 5 affirmative votes)
Action Taken:

- **3:10 P.M.** * Approval of a State Center Community College District Off-Campus Work Study agreement with the Parks, Recreation and Community Services Department PR&CS *Action Taken:*
- **3:20 P.M.** Presentation by a representative of Rotary Clubs of Fresno to request the City of Fresno provide the payment of the insurance for the Storyland/Playland Roeding Park Councilmember Dages *Action Taken:*
 - **a.** Discussion and possible action relating to the source of funding to pay the insurance at Storyland/Playland at Roeding Park **Action Taken:**

3:30 P.M. JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY

Approve Agency minutes of July 18, 2006

Action Taken:

- **A.** Approval of documents pertaining to the San Joaquin Railroad:
 - 1. RESOLUTION Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, approving an agreement with the San Joaquin Railroad to construct improvements to at-grade railroad crossings at Cedar, Maple, Chestnut and Shields Avenues for the Airport Area Redevelopment Project (Council and Agency action)

 Action Taken:
 - 2. Approve the payment of \$258,802 to the San Joaquin Valley Railroad for the construction of the improvements (Council and Agency action)
 - Adopt Environmental Assessment No. 2006-02 which makes the finding of a Class 1
 Categorical Exemption under CEQA (Council and Agency action)

 Action Taken:
- B. Give direction to staff to negotiate a Disposition and Development Agreement, between the Redevelopment Agency of the City of Fresno and E.I. E. Alpha, LLC, for a mixed-use development project at 903 "H" Street in the Chinatown Expanded Redevelopment Project Area (Agency action)

 Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

August	22 -	10:00 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 130, Tract Nos. 5413 and 5188
August August August	22 - 22 - 22 -	10:05 A.M. 10:15 A.M. 10:30 A.M.	HEARING re: Rezone Application No. R-06-09, filed by Lars Andersen & Associates, Inc. HEARING re: Rezone Application No. R-06-06, filed by Ramiro Ochoa HEARING to consider Rezone Application No. R-06-15, filed by R.W. Greenwood
August	22 -	10:45 A.M.	Associates, Inc. HEARING to consider Rezone Application No. R-05-89, filed by Quad Knopf, Inc. on behalf of Centex Homes
August	22 -	11:00 A.M.	CONTINUED HEARING to consider Rezone Application No. R-05-81, and the appeal of Environmental Assessment No. R-05-81/C-05-216, Finding of Mitigated Negative Declaration, filed by DeWayne Zinkin, pertaining to approximately forty (40) acres of property located between N. Fresno Street, N. Friant Road, E. Audubon Drive and E. Cole Avenue (Fresno 40 Project)
August	22 -	3:15 P.M.	Adopt the Fresno Police Department Video Policing Project Policy and Guidelines Manual as prepared by the Fresno Police Department in conjunction with the Police Chief's Advisory Panel on Video Policing

August	22 -	4:00 P.M.	HEARING re: Text Amendment application No. TA-05-01 re: the definition and classification of group homes facilities	
August	29 -	10:00 A.M.#1	HEARING re: Community Facilities District No. 2, Annexation No. 131, Final Tract Nos. 5427 and 5686	
August	29 -	10:00 A.M.#2	CONTINUED HEARING to consider Rezone Application No. R-05-61, and environmental findings, filed by Centex Homes on behalf of Damrong and Somluck Pattanumotana and Ahmed Khaled	
August	29 -	10:45 A.M.	CONTINUED HEARING to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control	
Sept. Sept.	5 - 12 -	NO MEETING – COUNCIL VACATION NO MEETING – COUNCIL VACATION		
Sept.	19 -	10:00 A.M.	HEARING re: The vacation of a portion of the Broadway - "H" alley from 100 feet to 200 feet northwest of Amador Street	
Sept.	19 -	10:15 A.M.	HEARING re: the vacation of a portion of Doolittle Drive between Herndon and Spaatz Avenues and a portion of Spaatz Avenue between Doolittle Avenue and the proposed realignment of Blythe Avenue	
Sept.	19 -	10:30 A.M.	HEARING to consider increasing the current Citywide traffic signal impact fee	
Sept.	26 -	10:00 A.M.	WORKSHOP re: the Five-Year Strategic Plan – Fire Dept.	
Sept.	26 -	10:30 AM#1	CONTINUED HEARING to consider amending the MFS Resolution 80-420, adoption of Finding of Conformity with the Master Environmental Impact Report 10130 for the City's 2025 General Plan, and approval of a bill for introduction to establish a new citywide and quadrant based major street impact fees	
Sept.	26 -	10:30 AM#2	CONTINUED HEARING to consider increase to the current Citywide traffic signal impact fee	
Oct.	10 -	NO MEETING – COLUMBUS DAY		